

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ERIC JOSEPH BOLCAVAGE,
Plaintiff

v.

NANCY A. BERRYHILL,
Acting Commissioner of the Social Security
Administration,
Defendant

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No. 1:16-cv-02377

(Judge Kane)
(Chief Magistrate Judge Schwab)

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On February 28, 2013, Plaintiff Eric Joseph Bolcavage filed an application for Supplemental Security Income, alleging a disability onset date of July 1, 2012. (Doc. No. 10-3 at 28, Doc. No. 10-5 at 2-10.) After Plaintiff's claim was initially denied, Administrative Law Judge Therese A. Hardiman ("ALJ Hardiman"), held a hearing on September 9, 2014. (Doc. No. 10-2 at 49-79.) After the hearing, ALJ Hardiman was provided with physical and mental consultative examinations and other records, and held a follow-up hearing on March 15, 2015. (Id. at 15, 34-48.) On May 28, 2015, ALJ Hardiman issued a decision denying Plaintiff's application for Supplemental Security Income, finding that he was not disabled during the relevant time period. (Id. at 12-30.) On September 26, 2016, the Appeals Council denied Plaintiff's request for review of ALJ Hardiman's decision, making that decision the "final decision" of the Commissioner. (Id. at 2-7.)

On November 29, 2016, Plaintiff Bolcavage filed the above-captioned action appealing the September 26, 2016 final decision denying his claim for Supplemental Security Income. (Doc. No. 1.) Before the Court is the March 5, 2018 Report and Recommendation of Chief Magistrate Judge Schwab, recommending that Plaintiff's appeal be denied. (Doc. No. 22.) In

her Report and Recommendation, Chief Magistrate Judge Schwab found that ALJ Hardiman's decision was supported by substantial evidence. (Id. at 34.)

On March 19, 2018, Plaintiff filed objections to the Report and Recommendation. (Doc. No. 23.) In his objections, Plaintiff argues that: (1) ALJ Hardiman erred in rejecting the opinion of the consultative psychologist, Antoinette Hamidian; and (2) ALJ Hardiman further erred by failing to incorporate the limitations assessed by Dr. Hamidian in the hypothetical questions posed to the vocational experts. On March 22, 2018, Defendant filed a Response to Plaintiff's objections. (Doc. No. 24.) Upon review of the Report and Recommendation and Plaintiff's objections thereto, the Court finds that Chief Magistrate Judge Schwab correctly and comprehensively addressed the substance of Plaintiff's objections in the Report and Recommendation. (Doc. No. 22.) The Court will not write separately to address Plaintiff's objections.

ACCORDINGLY, upon independent review of the record and applicable law, on this 26th day of March 2018, **IT IS ORDERED THAT**:

1. Chief Magistrate Judge Schwab's Report and Recommendation (Doc. No. 22), is **ADOPTED**;
2. Plaintiff Eric Joseph Bolcavage's appeal (Doc. No. 1), is **DENIED**, as the ALJ's decision is supported by substantial evidence; and
3. The Clerk of Court is directed to enter judgment in favor of the Commissioner and against Eric Joseph Bolcavage, and **CLOSE** this case.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania